

from unauthorized access as it resides on and traverses national and international communications networks. For Americans to trust this new electronic environment, and for the promise of electronic commerce and the global information infrastructure to be fully realized, information systems must provide methods to protect the data and communications of legitimate users. Encryption can address this need because encryption can be used to protect the confidentiality of both stored data and communications. Therefore, my Administration continues to support the development, adoption, and use of robust encryption by legitimate users.

At the same time, however, the same encryption products that help facilitate confidential communications between law-abiding citizens also pose a significant and undeniable public safety risk when used to facilitate and mask illegal and criminal activity. Although cryptography has many legitimate and important uses, it is also increasingly used as a means to promote criminal activity, such as drug trafficking, terrorism, white collar crime, and the distribution of child pornography.

The advent and eventual widespread use of encryption poses significant and heretofore unseen challenges to law enforcement and public safety. Under existing statutory and constitutional law, law enforcement is provided with different means to collect evidence of illegal activity in such forms as communications or stored data on computers. These means are rendered wholly insufficient when encryption is utilized to scramble the information in such a manner that law enforcement, acting pursuant to lawful authority, cannot decipher the evidence in a timely manner, if at all. In the context of law enforcement operations, time is of the essence and may mean the difference between success and catastrophic failure.

A sound and effective public policy must support the development and use of encryption for legitimate purposes but allow access to plain text by law enforcement when encryption is utilized by criminals. This requires an approach that properly balances critical privacy interests with the need to preserve public safety. As is explained more fully in the sectional analysis that accompanies this proposed legislation, the CESA provides such a balance by simultaneously creating significant new privacy protections for lawful users of encryption, while assisting law enforcement's efforts to preserve existing and constitutionally supported means of responding to criminal activity.

The CESA establishes limitations on government use and disclosure of decryption keys obtained by court process and provides special protections for decryption keys stored with third party "recovery agents." CESA authorizes a recovery agent to disclose stored recovery information to the gov-

ernment, or to use stored recovery information on behalf of the government, in a narrow range of circumstances (e.g., pursuant to a search warrant or in accordance with a court order under the Act). In addition, CESA would authorize appropriations for the Technical Support Center in the Federal Bureau of Investigation, which will serve as a centralized technical resource for Federal, State, and local law enforcement in responding to the increasing use of encryption by criminals.

I look forward to working with the Congress on this important national issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1999.*

The message, together with the accompanying papers, was referred to the Committee on the Judiciary and the Committee on Government Reform and ordered to be printed (H. Doc. 106-123).

#### ¶98.10 VETERANS' MILLENNIUM HEALTH CARE

Mr. STUMP moved to suspend the rules and pass the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; as amended.

The SPEAKER pro tempore, Mr. CALVERT, recognized Mr. STUMP and Mr. REYES, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CALVERT, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. KELLY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CALVERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

#### ¶98.11 NATIONAL HISTORIC PRESERVATION FUND

Mr. HEFLEY moved to suspend the rules and pass the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CALVERT, recognized Mr. HEFLEY and Mr. ROMERO-BARCELO, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CALVERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶98.12 NATIONAL MARINE SANCTUARIES

Mr. SAXTON moved to suspend the rules and pass the bill (H.R. 1243) to reauthorize the National Marine Sanctuaries Act; as amended.

The SPEAKER pro tempore, Mr. CALVERT, recognized Mr. SAXTON and Mr. FALCOMA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CALVERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to reauthorize and amend the National Marine Sanctuaries Act, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶98.13 COASTAL BARRIER RESOURCES

Mr. SAXTON moved to suspend the rules and pass the bill (H.R. 1431) to reauthorize and amend the Coastal Barrier Resources Act; as amended.

The SPEAKER pro tempore, Mr. CALVERT, recognized Mr. SAXTON and Mr. FALCOMA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CALVERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CALVERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

#### ¶98.14 CONVEY CERTAIN NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA

Mr. SHERWOOD moved to suspend the rules and pass the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; as amended.